

REMARKS

Claim 92 is added to the application hereinabove reciting that the active agent for increasing collagen VII synthesis *consists essentially of* an ellagic acid component. This claim substantially excludes from the applied composition other compounds known for increasing collagen VII synthesis as disclosed in the present application and in the Soler et al and the Seguin et al references.

Applicants continue to argue that claims 70-91 are allowable over the art. The Advisory Action of July 9, 2003 states that "the intended use must result in a manipulative difference as compared to the prior art. *In re Otto* 136 USPQ 458, 459 (CCPA 1963)" The manipulative difference, however, is clearly recited in claims 70 and 92 as "determining an area of the epidermis of the subject in which cohesion appears to be deficient." No such step is disclosed by Arima et al, who is concerned only with lightening the skin. Moreover, the relevance of the *Otto* case is not seen, since that case deals with an attempt by Applicant to use *method* steps to distinguish claims directed to a device.

In addition, the Soler et al and Seguin et al references do not disclose or suggest using ellagic acid compounds for any purpose whatever.

The Advisory Action further asserts that "the instant compositions are not solely limited to methods of administering compositions consisting of ellagic acid or derivatives thereof, therefore, any other compounds that can provide for 'collagen VII synthesis' within the instantly employed composition renders the instant claims obvious when combined with ellagic acid.

Applicants submit, to the contrary, that the Soler et al and Seguin et al references say nothing as to the obviousness

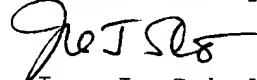
of a claim directed to a method of treatment by application of ellagic acid. While Soler et al and Seguin et al may relate to compounds which improve collagen VII synthesis, they do not relate to ellagic acid compounds, and do not disclose or suggest that compounds disclosed by Arima et al as skin lighteners will also improve collagen VII synthesis. Note that the only document that relates ellagic acid compounds to the other compounds which improve collagen VII synthesis is *the present patent application*.

Withdrawal of the rejection of record is requested.

Claims 90 and 91 have been amended to correct a typographical error as originally presented.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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